## 1 2 3 4 5 6 7 8 9 UNITED STATES DISTRICT COURT 10 WESTERN DISTRICT OF WASHINGTON AT TACOMA 11 12 LORI VAN MARTER DOANE, 13 Plaintiff, 14 v. Case No. C08-5162RBL/JKA 15 DOUGLAS COLE et al., ORDER DENYING PLAINTIFF'S 16 MOTION FOR LEAVE TO TAKE Defendants. WRITTEN DEPOSITIONS 17 WITHOUT PREJUDICE 18 19 This civil rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 20 U.S.C. § 636(b)(1)(B). Before the court is plaintiff's motion asking for leave to take written depositions 21 (Dkt # 16). The motion is supported by a memorandum in support (Dkt # 17). A memorandum in support 22 of a motion is no longer required. Further, when the court ordered this action served it informed the 23 parties: 24 (3) Filing and Service by Parties, Generally. 25 All original documents and papers submitted for consideration by the court in this case, are to be filed with the Clerk of this court. The originals of all such papers shall 26 indicate in the upper right-hand corner the name of the Magistrate Judge to whom the copies are to be delivered. The papers shall be accompanied by proof that such 27 documents have been served upon counsel for the opposing party (or upon any party

acting pro se). The proof shall show the day and manner of service and may be

written acknowledgment of service, by certificate of a member of the bar of this court,

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or by affidavit of the person who served the papers. (Dkt. # 6, page 2, emphasis added). There is nothing in the file to indicate this motion and supporting memorandum were served on opposing counsel. The motion is therefore, **DENIED WITHOUT** PREJUDICE. DATED this 9 day of October, 2008. /S/ J. Kelley Arnold J. Kelley Arnold United States Magistrate Judge 

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